



2J-13-6580
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IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

FILED IN DISTRICT COURT
OKLAHOMA COUNTY

DANNY CHRIS BERRY,

NOV 27 2013

Plaintiff,

TIM RHODES
COURT CLERK

vs.

CJ-2013-6580

MICHELLE LYNN NOAH and
STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY,

Defendants.

PETITION

COMES NOW, Danny Chris Berry, the Plaintiff, and for his causes of action against the Defendants, alleges and states:

FIRST CAUSE OF ACTION
Automobile Negligence

1. On or about December 5, 2011, on a public roadway called NW 150th Street, Oklahoma City, Oklahoma, Defendant Michelle Lynn Noah negligently drove a motor vehicle into Plaintiff's vehicle while Plaintiff was stopped behind a vehicle making a turn into a private drive.
2. As a result, Plaintiff was thrown about causing bodily injury, was prevented from transacting his business, suffered great pain of body and mind, and incurred expenses for medical attention.

SECOND CAUSE OF ACTION
Underinsured Motorist Contract

3. For his second cause of action, the Plaintiff realleges and restates the allegations contained in his first cause of action as if fully realleged and restated herein and makes them a part of his second cause of action by reference thereto.
4. That at all times pertinent herein, Defendant State Farm Mutual Automobile Insurance Company, for and in consideration of a valuable premium paid and agreed to by Danny Chris

Berry, issued its underinsured motorists policy of insurance numbered 08 115525068 to Danny Chris Berry covering loss to any person while occupying his automobile due to the negligence of an underinsured motorist, to which policy of insurance Plaintiff is the named insured.

5. On December 5, 2011 while said insurance policy was still in full force and effect, Plaintiff suffered serious bodily injury and medical expense due to injuries caused by the negligence of the Defendant Michelle Lynn Noah. The Defendant Michelle Lynn Noah's liability policy is only \$25,000.00, whereas Plaintiff's injuries are in excess of the sum of \$25,000.00.

6. Thereafter, when Plaintiff became aware of the full extent of his injuries, he promptly notified Defendant State Farm Mutual Automobile Insurance Company of his loss and made claim on the foregoing underinsured motorist policy.

7. Defendant State Farm Mutual Automobile Insurance Company has breached the said contract terms causing Plaintiff damages in excess of \$25,000.00 by denial of said claim.

THIRD CAUSE OF ACTION
Bad Faith

8. For his third cause of action, Plaintiff realleges and restates the allegations contained in his first and second causes of action as if fully realleged and restated herein and makes them a part of his third cause of action by reference thereto.

9. Defendant State Farm Automobile Insurance Company's actions in handling Plaintiff's claim for underinsured motorist protection were in bad faith and violated its implied covenant of good faith and fair dealing by arbitrarily and without a reasonable cause or basis for such conduct, by neglecting to properly evaluate said claim and arbitrarily and capriciously denying Plaintiff's claim under his underinsured automobile policy.

10. As a direct and proximate consequence of Defendant State Farm Automobile Insurance Company's wrongful acts and omissions, Plaintiff has suffered severe mental anguish, distress, anxiety and worry.

13. The acts of the Defendant State Farm Mutual Automobile Insurance Company were grossly negligent, done in bad faith and were in gross disregard of the rights of the Plaintiff, for which Plaintiff is entitled to exemplary or punitive damages in excess of \$10,000.00.

WHEREFORE, upon a hearing of this petition, Plaintiff asks for judgment against these Defendant Michelle Lynn Noah in a sum in excess of \$10,000.00, interest, and costs on his first cause of action; asks for judgment in excess of \$10,000.00, interest and costs on his second cause of action against Defendant State Farm Automobile Insurance Company and judgment in excess of \$10,000.00 actual damages and in excess of \$10,000.00 exemplary or punitive damages on his third cause of action, interest and costs, against Defendant State Farm Automobile Insurance Company.



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I, TIM RHODES, Court Clerk for Oklahoma County, Okla. certify that the foregoing is a true, correct and complete copy of the instrument as appears of record in the District Court Clerk's Office of Oklahoma County, Okla. this 23 day of January, 2014.

TIM RHODES, Court Clerk

By  Deputy